IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO.527 OF 2005

M/s.Shahani Housing Development
& ors. .. .. .. Petitioners

v/s.

Bank of India .. .. Respondent

Ms.Kamaldeep Sagar i/by M/s.Paras Kuhad & Associates for petitioners.

Ms.S. Naronha for respondent.

CORAM : H.L. GOKHALE &
S.C.DHARMADHKARI, JJ.

DATED : 24TH FEBRUARY 2005

P.C. :

1. Heard Mr.Sagar in support of this petition. Ms.Naronha appears for the respondent.

2. The petitioner had applied for cross-examination of certain witnesses in the proceedings before the Debts Recovery Tribunal ("DRT" for short). The DRT having declined that prayer, a miscellaneous appeal was filed. The Debts Recovery Appellate Tribunal has dismissed that appeal by relying upon a judgment of the Apex Court in the case of **Union of India & anr. vs. Delhi High Court Bar Association & ors. reported**

in JT 2002 (3) SC 131 where the Supreme Court has observed that there is no inherent right of cross-examination to a party in the proceedings before the DRT. They are supposed to be decided in a summary manner. The main original proceeding is before the DRT. It will be open to the petitioner herein to challenge the final order when the original proceeding is decided by the DRT by filing an appeal to the Debts Recovery Appellate Tribunal. We do not find any reason to interfere with the impugned order. Petition is dismissed.

(H.L. GOKHALE, J.)

(S.C.DHARMADHIKARI, J.)